

106TH CONGRESS  
1ST SESSION

# H. R. 691

To amend title 38, United States Code, to provide for a portion of any funds recovered by the United States in any future lawsuit brought by the United States against the tobacco industry to be made available for health care for veterans.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1999

Mr. STEARNS (for himself, Mr. STUMP, Mr. EVANS, Mr. SHOWS, Mr. RAHALL, and Mrs. KELLY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for a portion of any funds recovered by the United States in any future lawsuit brought by the United States against the tobacco industry to be made available for health care for veterans.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Veterans Tobacco  
5       Trust Fund Act of 1999”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

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1           (1) Smoking related illnesses, including cancer,  
2           heart disease, and emphysema, are highly prevalent  
3           among the more than 3,000,000 veterans who use  
4           the Department of Veterans Affairs health care sys-  
5           tem annually.

6           (2) The Department of Veterans Affairs esti-  
7           mates that it spent \$3,600,000,000 in 1997 to treat  
8           smoking-related illnesses and that over the next five  
9           years it will spend \$20,000,000,000 on such care.

10          (3) Congress established the Department of  
11          Veterans Affairs in furtherance of its constitutional  
12          power to provide for the national defense in order to  
13          provide benefits and services to veterans of the uni-  
14          formed services.

15          (4) There is in the Department of Veterans Af-  
16          fairs a health care system which has as its primary  
17          function to provide a complete medical and hospital  
18          service for the medical care and treatment of such  
19          veterans as can be served through available appro-  
20          priations.

21          (5) The Federal Government, including the De-  
22          partment of Veterans Affairs, has lacked the means  
23          to prevent the onset of smoking-related illnesses  
24          among veterans and has had no authority to deny

1       needed treatment to any veteran on the basis that  
2       an illness is or might be smoking-related.

3           (6) With some 20 percent of its health care  
4       budget absorbed in treating smoking-related ill-  
5       nesses, the Department of Veterans Affairs health  
6       care system has lacked resources to provide needed  
7       nursing home care, home care, community-based  
8       ambulatory care, and other services to tens of thou-  
9       sands of other veterans.

10          (7) The network of academically affiliated medi-  
11       cal centers of the Department of Veterans Affairs  
12       provides a unique system within which outstanding  
13       medical research is conducted and which has the po-  
14       tential to expand significantly ongoing research on  
15       tobacco-related illnesses.

16          (8) It is in the public interest for Congress to  
17       enact legislation requiring that a portion of any  
18       amounts received from manufacturers of tobacco  
19       products be used to meet the costs of (A) treatment  
20       for diseases and adverse health effects associated  
21       with the use of tobacco products by those who served  
22       their country in uniform, and (B) medical and  
23       health services research relating to prevention and  
24       treatment of, and rehabilitation from, tobacco addic-  
25       tion and diseases associated with tobacco use.

1 **SEC. 3. ESTABLISHMENT OF TRUST FUND.**

2 (a) IN GENERAL.—Chapter 17 of title 38, United  
3 States Code, is amended by inserting after section 1729A  
4 the following new section:

5 **“§ 1729B. Veterans Tobacco Trust Fund**

6 “(a) There is established in the Treasury of the  
7 United States a trust fund to be known as the ‘Veterans  
8 Tobacco Trust Fund’, consisting of such amounts as may  
9 be appropriated, credited, or donated to the trust fund.

10 “(b) If a lawsuit is brought by the United States  
11 against the tobacco manufacturers seeking recovery of  
12 costs incurred or to be incurred by the United States that  
13 are attributable to tobacco-related illnesses, there shall be  
14 credited to the trust fund from any amount recovered by  
15 the United States pursuant to that lawsuit, without fur-  
16 ther appropriation, the amount that bears the same ratio  
17 to the amount recovered as the amount of the Depart-  
18 ment’s costs for health care attributable to tobacco-related  
19 illnesses for which recovery is sought in the suit bears to  
20 the total amount sought by the United States in the suit.

21 “(c) Amounts in the trust fund shall be available,  
22 without fiscal year limitation, to the Secretary of Veterans  
23 Affairs for the following purposes:

24 “(1) Furnishing medical care and services  
25 under this chapter, to be available during any fiscal  
26 year for the same purposes and subject to the same

1 limitations (other than with respect to the period of  
2 availability for obligation) as apply to amounts ap-  
3 propriated from the general fund of the Treasury for  
4 that fiscal year for medical care.

5 “(2) Conducting medical research, rehabilita-  
6 tion research, and health systems research, with par-  
7 ticular emphasis on research relating to prevention  
8 and treatment of, and rehabilitation from, tobacco  
9 addiction and diseases associated with tobacco use.”.

10 (b) CLERICAL AMENDMENT.— The table of sections  
11 at the beginning of such chapter is amended by inserting  
12 after the item relating to section 1729A the following new  
13 item:

“Sec. 1729B. Veterans Tobacco Trust Fund.”.

